



This Recommended Order and Decision became the Order and Decision of the
Illinois Human Rights Commission on 8/12/02.

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

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|-----------------------------|---|------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| MARIA LEODORA, |) | |
| |) | |
| Complainant, |) | |
| |) | Charge No.: 1998CF2275 |
| and |) | EEOC No.: 21B981651 |
| |) | ALS No.: 10826 |
| CENTRAL AMERICAN WAREHOUSE, |) | |
| |) | |
| |) | |
| Respondent. |) | |

RECOMMENDED ORDER AND DECISION

On May 18, 1999, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Maria Leodora. That complaint alleged that Respondent, Central American Warehouse, discriminated against Complainant on the basis of her national origin/ancestry.

There has been no activity on this case since April of 2000, and it appears that the parties have either settled or abandoned the matter. As a result, it is appropriate to dismiss the case.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. On July 27, 1999, Administrative Law Judge Sandra LeBold entered a scheduling order in this case. That order set a final status date of April 5, 2000.

2. Neither party appeared at the April 5, 2000 final status.

3. On April 5, 2000, Administrative Law Judge Denise A. Diaz entered an order setting a new final status date of April 19, 2000. That order was mailed to the parties' attorneys at the addresses on their appearances. Neither order was returned.

4. Neither party appeared at the April 19, 2000 final status.

5. On April 19, 2000, Administrative Law Judge Tracy Shine entered an order indicating an intent to dismiss the case with prejudice because of Complainant's failure to appear. That order was mailed to the parties' attorneys at the addresses on their appearances. Neither order was returned.

CONCLUSIONS OF LAW

1. Complainant's failure to prosecute his claim has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Despite written orders requiring her appearance, Complainant has failed to appear at two consecutive final status hearings. Even when she was served with an order indicating an intent to dismiss the case, she remained silent. That unexplained inaction has unreasonably delayed the proceedings in this case.

It appears that Complainant simply has abandoned her claim.

As a result, it is appropriate to dismiss this case with prejudice. See *Leonard and Solid Matter, Inc.*, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter. It appears that she has abandoned his claim. Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: July 3, 2002